

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

ERIK M. GOODWIN,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS,  
INC.,

Defendant.

Case No. 1:20-cv-2690

Removed from Marion Superior Court,  
Civil Division 2,  
Cause No. 49D02-2009-MI-032177

**INDEX OF STATE COURT RECORD**

<b>DATE</b>	<b>DESCRIPTION</b>
9/17/2020	<i>Erik M. Goodwin v. Experian Information Solutions, Inc.</i> , Marion Superior Court, Civil Division 2, Cause No. 49D02-2009-MI-032177, Chronological Case Summary
9/17/2020	Appearance
9/17/2020	Complaint
9/17/2020	Summons
9/25/2020	Certified Mail Returned Summons was issued 9/17/2020. Service by certified mail on CT Corporation System on 9/22/2020 postmarked 9/18/2020. Return of Service docketed on 9/25/2020

By: s/Leah L. Seigel

Leah L. Seigel

**BARNES & THORNBURG LLP**

11 S. Meridian Street

Indianapolis, Indiana 46204

Telephone: (317) 236-1313

Facsimile: (317) 231-7433

Email: [leah.seigel@btlaw.com](mailto:leah.seigel@btlaw.com)

*Attorney for Defendant Experian  
Information Solutions, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing has been served this 15<sup>th</sup> day of October, 2020, by electronically filing the same with the Clerk of the Court using the CM-ECF and was separately emailed to counsel. A courtesy copy will also be mailed to:

John T. Steinkamp, Esq.  
5214 S. East Street, Suite D-1  
Indianapolis, IN 46227  
[john@johnsteinkampandassociates.com](mailto:john@johnsteinkampandassociates.com)

*/s/Leah L. Seigel*

\_\_\_\_\_  
Leah L. Seigel

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

## Erik M Goodwin v. Experian Information Solutions, Inc.

Case Number	49D02-2009-MI-032177
Court	Marion Superior Court, Civil Division 2
Type	MI - Miscellaneous Civil
Filed	09/17/2020
Status	09/17/2020 , Pending (active)

## Parties to the Case

Defendant Experian Information Solutions, Inc.

Plaintiff Goodwin, Erik M

Attorney John Thomas Steinkamp  
*#1989149, Retained*  
 5214 S East ST  
 STE 1D  
 Indianapolis, IN 46227  
 317-782-9800(W)

## Chronological Case Summary

09/17/2020 **Case Opened as a New Filing**

09/17/2020 **Appearance Filed**

Appearance

For Party: Goodwin, Erik M  
 File Stamp: 09/17/2020

09/17/2020 **Complaint/Equivalent Pleading Filed**

Complaint

Filed By: Goodwin, Erik M  
 File Stamp: 09/17/2020

09/17/2020 **Subpoena/Summons Filed**

Experian Summons

Filed By: Goodwin, Erik M  
 File Stamp: 09/17/2020

09/25/2020 **Certified Mail Returned**

GREEN CARD SIGNED.

Party Served: Experian Information Solutions, Inc.

## Financial Information

\* Financial Balances reflected are current representations of transactions processed by the Clerk's Office. Please note that any balance due does not reflect interest that has accrued – if applicable – since the last payment. For questions/concerns regarding balances shown, please contact the Clerk's Office.

**Goodwin, Erik M**

Plaintiff

Balance Due (as of 10/15/2020)

**0.00**

## Charge Summary

Description	Amount	Credit	Payment
Court Costs and Filing Fees	157.00	0.00	157.00

## Transaction Summary

Date	Description	Amount
09/17/2020	Transaction Assessment	157.00
09/17/2020	Electronic Payment	(157.00)

This is not the official court record. Official records of court proceedings may only be obtained directly from the court maintaining a particular record.

STATE OF INDIANA  
COUNTY OF MARION

ERIK M. GOODWIN,

Plaintiff,

vs.

Experian Information Solutions, Inc.

Defendant.

IN THE MARION SUPERIOR COURT  
SS:

**APPEARANCE BY ATTORNEY IN A CIVIL CASE**

Party Classification: Initiating   X   Responding        Intervening       

Comes now Attorney John T. Steinkamp, and enters his appearance on behalf of Plaintiff, Erik M. Goodwin, in the above-entitled civil proceeding.

Respectfully submitted

/s/ John T. Steinkamp  
John T. Steinkamp, #19891-49  
*Attorney for Plaintiff*  
5214 S. East Street, Suite D-1  
Indianapolis, IN 46227  
(317) 780-8300  
(317) 217-1320  
john@johnsteinkampandassociates.com

In the Marion Superior Court, Room No.

**Erik M. Goodwin**

Plaintiff

-vs-

**Experian Information Solutions, Inc**

Cause

No. \_\_\_\_\_

Defendant

TO DEFENDANT: (Name) \_\_\_\_\_

**Experian c/o CT Corporation System**

(Address) \_\_\_\_\_

**150 West Market Street, Ste. 800**

**Indianapolis, IN, 46204**

You are hereby notified that you have been sued by the person named as plaintiff and in the Court indicated above.

The nature of the suit against you is stated in the complaint which is attached to this Summons. It also states the relief sought or the demand made against you be the plaintiff.

An answer or other appropriate response in writing to the complaint must be filed either by you or your attorney within twenty (20) days, commencing the day after you receive this Summons, (or twenty-three (23) days if this Summons was received by mail), or a judgment by default may be rendered against you for the relief demanded by plaintiff.

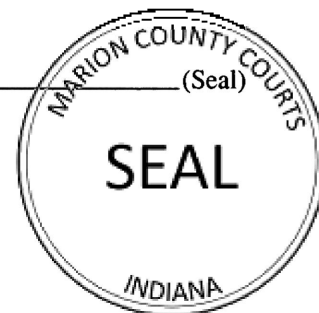
If you have a claim for relief against the plaintiff arising from the same transaction or occurrence, you must assert it in your written answer.

If you need the name of an attorney, you may contact the Indianapolis Bar Association Lawyer Referral Service (269-2222), or the Marion County Bar Association Lawyer Referral Service (634-3950).

Dated 9/17/2020

*Mylena A. Eldridge*

Clerk, Marion Superior Court



(The following manner of service of summons is hereby designated.)

☒

Registered or certified mail.

☐

Service at place of employment, to-wit \_\_\_\_\_

☐

Service on individual (Personal or copy) at above address.

☒

Service on agent. (Specify) **CT Corporation System**

☐

Other service. (Specify) \_\_\_\_\_

**John T. Steinkamp, 19891-49**

Attorney for Plaintiff

**5214 S. East. St., D1 Indpls, IN**

Address

**(317)780-8300**

Telephone

Marion County Superior Court

200 East Washington Street

Indianapolis, IN 46204

Telephone

**SHERIFF'S RETURN ON SERVICE OF SUMMONS**

I hereby certify that I have served this summons on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

(1) By delivering a copy of the Summons and a copy of the complaint to the defendant. \_\_\_\_\_

(2) By leaving a copy of the Summons and a copy of the complaint at \_\_\_\_\_

which is the dwelling place or usual place of abode of \_\_\_\_\_

and by mailing a copy of said summons to said defendant at the above address.

(3) Other Service or Remarks: \_\_\_\_\_

\_\_\_\_\_  
Sheriff's Costs

\_\_\_\_\_  
Sheriff

By: \_\_\_\_\_

Deputy

**CLERK'S CERTIFICATE OF MAILING**

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, I mailed a copy of this Summons and a copy of the complaint to the defendant, \_\_\_\_\_, by \_\_\_\_\_ mail, requesting a return receipt, at the address furnished by the plaintiff.

\_\_\_\_\_  
Clerk, Marion Superior Court

Dated: \_\_\_\_\_, 20\_\_\_\_

By: \_\_\_\_\_

Deputy

**RETURN ON SERVICE OF SUMMONS BY MAIL**

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant \_\_\_\_\_ was accepted by the defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint was returned not accepted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

I hereby certify that the attached return receipt was received by me showing that the Summons and a copy of the complaint mailed to defendant \_\_\_\_\_ was accepted by \_\_\_\_\_ on behalf of said defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Clerk, Marion Superior Court

By: \_\_\_\_\_

Deputy

Cause No. \_\_\_\_\_ Room No. \_\_\_\_\_

Erik M. Goodwin

Plaintiff

vs.

Defendant

**SUMMONS**

SUPERIOR COURT ROOM NO. \_\_\_\_\_

SHERIFF'S COSTS

John T. Steinkamp, 19891-49

Attorney for Plaintiff

Address

Telephone

**STATE OF INDIANA**  
**COUNTY OF MARION**

**IN THE MARION SUPERIOR COURT**  
SS:  
**CAUSE NO.:** \_\_\_\_\_

Erik M. Goodwin,

Plaintiff,

vs.

Experian Information Solutions Inc.,

Defendant.

**PETITION**

COMES NOW Plaintiff, through counsel, and for Plaintiff's causes of action against Defendant states as follows:

1. This is an action for damages brought by an individual consumer against the Defendant Experian for violations of the Fair Credit Reporting Act (hereafter FCRA) 15 U.S.C. §1681 et seq.
2. Jurisdiction of this Court arises under 15 U.S.C. §1681p and 28 U.S.C. §1331.
3. Venue lies properly in this district under 28 U.S.C. §1391(b).
4. Plaintiff is a resident of Indiana.
5. Defendant Experian Information Solutions Inc. is a Delaware corporation.
6. Defendant Experian was and is engaged in the business of credit reporting,



all within Indiana.

7. On or about December 28, 2018, Plaintiff filed for bankruptcy protection under Chapter 7 of the Bankruptcy Code in case number 18-09589-RLM-7A, filed in the Southern District of Indiana.

8. Plaintiff received a standard discharge on or about April 6, 2019.

9. Defendant Experian was aware of Plaintiff's filing for bankruptcy protection as Defendant Experian was reporting the date Plaintiff filed the bankruptcy petition in the public records section of Plaintiff's Experian credit report.

10. Defendant Experian was aware of Plaintiff's bankruptcy discharge as Defendant Experian was reporting the date of the discharge in the public records section of Plaintiff's Experian credit report.

11. Defendant Experian is a sophisticated entity, well aware of its obligations under the FCRA.

12. Defendant Experian has been on notice since at least 2008 that pre-petition debts discharged in bankruptcy, with an account opening date preceding the filing of the bankruptcy petition, should be reported with a zero or blank dollar balance and an "included in bankruptcy" or "discharged in bankruptcy" status indication.

13. Defendant Experian is reporting the following accounts as due and owing on Plaintiff's credit report: AUTO TRAKK, LLC in the amount of \$5,584.00.

14. The reporting of \$5,584.00 as due and owing is false because the debt was discharged in the received in bankruptcy, case number 18-09589-RLM-7A, filed in the Southern District of Indiana.

15. Plaintiff received a discharge on April 6, 2019.

16. Defendant Experian reported the discharge in case 18-09589-RLM-7A on Plaintiff's in the public records section of the credit reports.

17. Defendant Experian has no reasonable means of monitoring or updating the AUTO TRAKK, LLC account once it was discharged in bankruptcy to correspond with the reporting of the discharge in the public records section of the credit reports.

18. The credit report still shows the discharged \$5,584.00 as owing and able to be enforced and collected.

19. Despite this knowledge and reporting of the April 6, 2019 bankruptcy discharge, Defendant has no reasonable means of monitoring or updating the AUTO TRAKK, LLC account correctly once a bankruptcy discharge is issued.

20. Despite this knowledge and reporting of the April 6, 2019 bankruptcy discharge, the credit reports prepared by the Defendants still show the discharged \$5,584.00 as owing and able to be enforced and collected.

21. Plaintiff's creditors and potential creditors have accessed Plaintiff's reports while the misreporting was on the credit report and were misinformed by Defendants about Plaintiff's credit worthiness.

22. The inaccurate information negatively reflects upon the Plaintiff, Plaintiff's credit repayment history, and Plaintiff's financial responsibility as a debtor, and Plaintiff's credit worthiness.

**Count I – Violations of the Fair Credit Reporting Act - Defendant Experian**

Comes now Plaintiff and for Count I against Defendant Experian and alleges to

the Court:

23. Plaintiff incorporates the foregoing paragraphs as though the same were set forth at length herein.

24. Pertinent hereto, Experian regularly engaged in whole or in part in the practice of assembling or evaluating consumer credit information or other information on consumers to furnish consumer reports to third parties, and which uses any means or facility of interstate commerce to prepare or furnish consumer reports.

25. Pertinent hereto, the Plaintiff Erik M. Goodwin is a “consumer” as that term is defined by 15 U.S.C. §1681a(c).

26. Pertinent hereto, the above-mentioned credit reports were written, oral, or other communication of any information by a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit capacity, character, general reputation, personal characteristics, or mode of living used or expected to be used or collected in whole or in part to serve as a factor in establishing the consumer’s eligibility for credit or insurance to be used primarily for personal, family, or household purposes; employment purposes; or any other purpose authorized under 15 U.S.C. 1681b.

27. Under 15 U.S.C. §1681n and 15 U.S.C. §1681o, Defendant Experian is liable to the Plaintiff for willfully and negligently violating the requirements imposed on Defendant Experian of information under 15 U.S.C. §1681e(b) in assuring reasonable procedures to assure maximum possible accuracy to prevent such reporting of inaccurate information in Plaintiff's reports.

28. In addition, Plaintiff disputed the inaccuracy to Defendant Experian.

29. Upon information and belief, the Credit Report Agency Defendants reported to the Defendant Experian Information Solutions Inc. that Plaintiff disputed the delinquency and false credit reporting.

30. Defendant Experian failed to correct the inaccuracies and reverified to Plaintiff that the reporting was accurate.

31. Equifax, a competing Credit Reporting Agency who also maintained a credit file on Erik M. Goodwin corrected this issue upon dispute by Erik M. Goodwin and otherwise maintained reasonable procedures to assure maximum possible accuracy, unlike Defendant.

32. Trans Union, a competing Credit Reporting Agency who also maintained a credit file on Erik M. Goodwin corrected this issue upon dispute by Erik M. Goodwin and otherwise maintained reasonable procedures to assure maximum possible accuracy, unlike Defendant.

33. Under 15 U.S.C. §1681n and 15 U.S.C. §1681o, Defendant Experian is liable to the Plaintiff for willfully and negligently violating the requirements imposed on Defendant Experian of information under 15 U.S.C. §1681i wherein the Defendant failed to use reasonable procedures to reinvestigate Plaintiff's disputes and, likewise, took inadequate action to correct Plaintiff's consumer reports or delete the false data or otherwise conduct an appropriate, lawful reinvestigation.

34. The conduct of Defendant Experian was a direct and proximate cause, and a substantial factor, in bringing about the serious injuries, actual damages and harm to the Plaintiff and Defendant Experian is liable to the Plaintiff for the full amount of statutory,

actual and punitive damages, along with the attorneys' fees and the costs of litigation, and such further relief, as permitted by law.

WHEREFORE, Plaintiff seek judgment in Plaintiff's favor and damages against Defendant Experian based on the following requested relief:

- a. Actual damages;
  - b. Statutory damages;
  - c. Punitive damages;
  - d. Costs and reasonable attorney's fees under 15 U.S.C. §§1681n and 1681o;
- and
- e. Such other and further relief as may be necessary, just and proper.

Respectfully submitted,  
/s/ John T. Steinkamp  
John T. Steinkamp, #19891-49  
Attorney for Plaintiff  
5214 S. East Street, Suite D-1  
Indianapolis, IN 46227  
317-780-8300  
john@johnsteinkampandassociates.com

### **Demand for Jury Trial**

Comes now Plaintiff and demands a jury trial on all issues so triable.

/s/ John T. Steinkamp  
John T. Steinkamp, #19891-49

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Experian Information Solutions, Inc.  
c/o CT Corporation System  
150 West Market Street, Ste. 800  
Indianapolis, IN 46204



9590 9402 5180 9122 1797 46

2. Article Number (Transfer from service label)

7019 0700 0000 0141 4370

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

3. Service Type

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- ☐ Adult Signature Restricted Delivery
- ☒ Certified Mail®
- ☐ Certified Mail Restricted Delivery
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- ☐ Collect on Delivery Restricted Delivery

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- ☐ Registered Mail Restricted Delivery
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation™
- ☐ Signature Confirmation Restricted Delivery

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49D02-2009-MI-032177

